HIGH VOLTAGE TRANSMISSION LINE WAYLEAVE PROBLEMS AND STRATEGIES: A CASE STUDY OF KENYA POWER AND LIGHTING COMPANY LIMITED

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DECLARATION

This Management Research Project is my original work and has not been submitted for a degree in any other University.

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DEDICATION

To my dad and mom who from a tender age taught me that education is the ceiling of life

and

To the rest of my family

For your inspiration when I felt like giving up

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Finally, to The Almighty God, I say thank you,

"Your grace is sufficient for me and your strength is made perfect in my weakness"

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ABBREVIATIONS

EAPLC ..... East Africa Power and Lighting Company
ERB ..... Electricity Regulatory Board
HV ..... High Voltage transmission lines
IPP ..... Independent Power Producers
KENGEN ..... Kenya Electricity Generating Company
KPC ..... Kenya Power Company
KPLC ..... Kenya Power and Lighting Company Limited
LV ..... Low voltage distribution lines
MOE ..... Ministry of Energy
REPS ..... Rural Electrification Power stations
ROW ..... Right of way
TENASCO ..... Tanganyika Electricity Supply Company
UEB ..... Uganda Electricity Board

ABSTRACT

The Kenya Power and Lighting Company Limited (KPLC), through their extensive power line network, has the monopoly of transmitting, distributing and supplying electric energy in Kenya. Wayleaves allows for the erection of these power lines. Legislature providing for wayleaves in Kenya is the Wayleaves Act Cap 292 of the laws of Kenya. As much as wayleaves is fundamental in this utility provision, many challenges are encountered in the acquisition especially so, in the electric energy public utility sector. These challenges are made intricate due to nature of land tenure in Kenya, which confers unique rights on private property especially where there are no direct benefits accruing to the landowners.

This study seeks to determine the challenges and problems encountered by KPLC when the company is acquiring wayleaves and also to establish the extent to which KPLC has adopted certain strategies to cope with these wayleave challenges and problems. Strategic management tools become important in acquiescing of wayleaves from landowners. Since the statutes upholds private property rights, yet to KPLC the realization of the company's objectives is paramount, then the company must avoid situations where the landowners may in future renege on past concession for this right of way. This will be made possible if the power company undertakes due processes such as formulation of long-term strategic plans and prudent implementation practices to embrace stakeholder interests.

This paper highlights need and purpose necessitating wayleaves acquisition, challenges posed in the process, legislature dealing with this easement and the strategic management approaches applicable for counteracting the wayleave challenges to enable willing concession for this easement by landowners. Recommendations made are for policy and practices. They include open negotiations with the landowners, effective communication skills, adequate compensation rates and overall stakeholder participation through out the implementation stage. However for comprehensiveness in formulating policy recommendations are made for areas needing further research.

C HAPTER ONE: INTRODUCTION

1.1 Back ground

The Electric Power Act Cap 315 of the laws of Kenya is the Act that governs the Kenya Power and Lighting Company (KPLC). The company is in the business of transmission, supply and distribution of electric power through out the country. This core business is guided by the vision statement 'to achieve the world class status as a quality service business enterprise so as to be the first choice supplier of electrical energy in a competitive world'. This is defined in the mission statement, which is to transmit and distribute high quality electricity through out Kenya at cost effective tariffs, to achieve the highest standards of customer service and to ensure the company's long-term technical and financial viability (Kenya Power and Lighting Company Financial Statement 2001).

To achieve the vision and mission statements, wayleave acquisition is fundamental. There are different types of power lines and the wayleave agreements are drafted to carter for these lines depending on nature of land tenure. The lines include overhead lines, high voltage (HV) and low voltage (LV) transmission lines and distribution lines. However, our area of study will be confined to HV transmission lines.

1.1.1 Need for strategic management tools

Strategic planning skills are necessary for successful implementation of public utility projects since by nature, they interfere with land rights. This is reflected by Ansoff and Mcdonnel (1990) who matches resources and activities of an organization to the environment in which it operates. HV power transmission lines have no direct benefit to landowners whose parcels are traversed over yet they reduce the value of such land. Other public utility services include roads, telephone lines, pipelines, drainage and water mains. More often, reactive strategies are used in way leave acquisition yet it is a contributor to urban planning and national development. To survive in a dynamic environment, organizations need to focus on strategies that deal with emerging environmental changes (Nganga 2004). This makes proactive strategies fundamental in managing wayleave acquisition for successful implementation of utility service projects.

KPLC should adopt appropriate strategies to ensure timely project implementation and completion, saving on resources as well as enhancing relationships with affected landowners. Increased public awareness on human rights, concept of work ethics, wider insight into government policies and knowledge of relevant legislature pertaining to wayleave procedures require KPLC to apply relevant management skills. This is through formulation of feasible, fair, legal and effective strategies (Rue and Byars, 1992). Alleviation of agitation by landowners is through questioning fundamental assumptions within the company culture and application of creative lateral thinking and hard fact finding rationale analysis. Some strategies KPLC management should put in place include public education programmes, negotiation and interpersonal skills, enactment of appropriate legislature, environmental scanning and adequate resource allocation. Successful technical and operational implementation will rely on management's administrative and support service framework.

1.1.2 **Wayleave and its challenges**

Wayleave is simply a Right of Way (ROW). It is an easement granted over land belonging to a private person in form of a corridor. Power transmission wayleaves refers to corridors beneath a power line. Wayleave is important in protecting mains service lines from being interfered with by activities like farming, waste dumping or mining, which damage equipment and interfere with the provision of services. Wayleaves also protects people from accidental electrocution from loosely hanging power lines or fallen pylons.

Absent landowners pose challenges in obtaining authorized wayleave consents for HV transmission lines. In addition, lack of full disclosure, unethical practices by KPLC staff and low literacy levels of the landowners may result to communication barriers with landowners on type of line, its purpose and magnitude of the project. Lack of updated cadastral plans and subdivision plans on processes of adjudication and subdivision of former trust land increases the wayleave challenges. Soon after the company has obtained wayleave, the power lines may take long to be erected due to financial or technical delays. Shifting of lines from unproductive riparian valleys to productive parts of an individual's land results to disputes yet solutions on land related issues is usually lengthy through the court process.

A likely repercussion if wayleave challenges are not well managed is rejection of the wayleave agreement by landowners and ultimate re-routing of lines leading to deviations in project implementation plans and adverse budgetary implications. Where erected, encroachment may occur compromising human and animal safety. The land law in Kenya protects private property therefore a landowner can renege on an improperly executed agreement. The law upholds principles of justice necessitating need to incorporate compensation clauses in the wayleave agreement.

1.1.3 The power industry

The Electrical Power Industry in Kenya has two players.

1) The Electric Power Generating companies using the following resources:-
   (i) Hydros (Tana, wanjii, Kamburu, Gitaru, Kindaruma, Masinga, Kamburu, Turkwell, small stations and UEB (imports). These contribute 0.6 % to the national grid.
   (ii) Interconnected systems (thermal, geothermal, gas turbine, diesel and wind turbine). They contribute 4.3% to the national grid.
   (iii) Isolated Stations (KPLC and REP stations), which inject 5.1 % to the grid.
2) The Electricity supplying Company responsible for transmission, distribution and supply of electricity from generation site to the consumer. Transmission is monopolistic with KPLC owning the only transmission network and holding all the supply and distribution licenses within the country.

The key players identifiable within the electric power sector are as follows: -:

1) KPLC in charge of transmission, distribution and retail of power to customers.
2) KENGEN manages and develops all public power electricity-generating facilities, and sells the power in bulk to KPLC.
3) Tsavo, Westmont, Iberafrica and OrPower are independent power producers (IPPs). They build and operate generation stations to sell bulk power to KPLC.

4) Electricity Regulation Board (ERB), which reviews the electricity tariffs, enforce safety standards and impose environmental regulations in the power sector. They also safeguard the interests of electricity consumers.

5) Ministry of Energy (MOE) charged with formulating legislature and policies in the energy sector and administering the rural electrification Scheme.

1.1.4 Brief history of KPLC

In 1908 an entrepreneurial engineer, Mr. Clement Hertzel, was granted the exclusive rights of electrical generation and distribution to the town of Nairobi. This led to the formation of the Nairobi Power and Lighting Syndicate. The Mombasa Power Company, formed at the same time, was acquired by Nairobi Power and Lighting Company in 1922 and a new company incorporated as the East African Power and Lighting Company (EAP&LC) with all the directors being in London.

Ten years later, the EAP&LC acquired a controlling interest in the Tanganyika Electricity Supply Company Ltd (TENASCO) and in 1936, the Company obtained generating and distribution licenses in Uganda, thereby entrenching its presence in the East African region. However, in 1948, the Uganda Electricity Board (UEB) was established by the Ugandan government to take over distribution of electricity in that country. This necessitated the subsequent formation of The Kenya Power Company (KPC) to legally enable transmission of bulk power from Uganda (Jinja) through the Tororo-Juja line to Nairobi. In 1964, the Government of Tanzania forced EAP&L Company to sell its majority stockholding in TENASCO. With operations now confined to Kenya, the EAP&LC was renamed The Kenya Power and Lighting Company Limited (KPLC) in 1983 with a mandate and monopoly of generating, transmitting and distributing electricity through out the country.

In 1997, the functions of generation were separated from transmission and distribution to make KPLC more efficient in electricity provision as guided by its vision and mission statements. The KPC, which had been under the management of KPLC since 1954, became a separate entity - The Kenya Electricity Generating Company Limited

(KENGEN) responsible for efficient management of public-funded power generation projects. KENGEN sells this bulk power to KPLC at the point of generation. It is the responsibility of KPLC to transmit the power first to the National Grid at Juja Control in Nairobi for stepping down to distributable units for local use.

The electric power sector is set for long-term expansion to carter for the rising demand between year 2002 and 2019 through geothermal, hydro and thermal power (Kenya Government National development plan, 2002). Therefore wayleave is fundamental in achieving these objectives.

1.2 Research problem

1.2.1 Background of the research problem

Right from inception in 1908 KPLC took wayleaves for granted. Back then, only a few settlers owned land easing the task of obtaining wayleaves. Where purchase was necessary as at the hydros, compensation to the settlers was made at full market prices. Otherwise, the company ignored native landowners. Before 1982 when the old major lines were erected, most land parcels were communal trust lands, forests or unadjudicated therefore easing problems of wayleave acquisition and compensation (Hayes, 1983).

Members of Parliament urge the Government, as single majority shareholder of 40% equity and public 60%, to invest in alternative energy sources (Daily Nation 28th Feb 2006). This is shown by KENGEN is constructing a geothermal power station at Naivasha to diversify power sources (East African Standard, 7th Feb. 2006). The challenge facing KPLC is in acquiescing of right of way (ROW) on registered land parcels from generation sites to the National Grid in Nairobi. A generating company's liability ends after generation therefore KPLC has to solely construct lines for the HV power to be transmitted from generation sites to Juja control center for stepping down to LV units for distribution and supply to customers.

World Bank release of grants for economic growth requires a prerogative removal of strategic bottleneck. Negative environmental and social impacts have to be understood by stakeholders and mitigation measures formulated and implemented. This necessitates

effective consultation with locally affected people in assessing the environmental impact by comparing alternatives and building stakeholder participation (Goodland, et. al. 1996). Landowners cite adverse health implications, accidental harm and depreciation of land values as factors occasioned by HV transmission power lines yet not well addressed for compensation in the wayleave agreement documents.

This study will be useful to KPLC in strategic planning for future network expansion. In the face of resistance, there is need to either redesign and upgrade existing transmission tower pylons or change the prevailing wayleave strategies and policies to enable consent by landowners. Management will be forced to appreciate wayleave as a core function in the company and compensation as fundamental therefore need to integrate wayleaves acquisition in the overall business plans. Wayleave planning includes negotiating with landowners before construction commences to avoid arising problems being dealt with in an ad-hoc and haphazard manner. KPLC management has to appreciate private property rights and lobby with the government to enact appropriate legislation and policies to carter for erection of future HV transmission lines.

1.2.2 Statement of the research problems

What wayleave challenges and problems are encountered by KPLC during HV transmission line construction and to what extent does KPLC have strategies to cope with the wayleave challenges and problems?

1.3 Research objectives

1. To determine the wayleave challenges and problems encountered by KPLC.

2. To establish the extent to which KPLC has adopted certain strategies to cope with the wayleave challenges and problems.

1.4 Importance of study

The study is important to: -

(i) Scholars and Researchers

The study is important by showing types of strategies applicable for HV transmission line wayleave acquisition and the extent to which these strategies are being practiced by KPLC. The study will also be used for making reference in further studies in related fields.

(ii) Kenya Power And Lighting Company.

It will provide KPLC management with an insight on missing strategies that hinder realization of their vision and mission statements. Inclusion of wayleave functions in mainstream plans, budgets and time allocated for HV transmission lines is important in achieving the company's overall strategic goals. It will enable management in formulating wayleave acquisition and compensation policies.

(iii) Other public utility service providers

Public utility service providers are forced to appreciate the concept of environmental scanning. Also to be reviewed by these organizations are the concepts of social dynamism and social responsibility. Importance of goodwill and embracing of stakeholder participation as key success factors in effective implementation and completion of public utility projects has been highlighted.

(iv) Land Owners

The study highlights issues of private property rights on land affected by the HV transmission lines. However, as much as empathy and equitable implementation are important in compensation, the landowners should also undertake contributing to national development by accepting to reach an amicable settlement with the power company.

(v) The Government

As the single majority shareholder, the government should provide relevant legislature and clear policies that can be effectively applied in solving general wayleave compensation problems between parastatals and its citizenry.

1.5 Structure of the report

The report has been organized into five chapters. The first chapter is the introduction and background on need for the research study. It also highlights the research problems and objectives in wayleave acquisition. Chapter two reviews literature on wayleaves, discusses Kenyan legislation dealing with wayleaves, the associated wayleave challenges and the appropriate strategies adopted to cope with these challenges. The following Chapter is the methodology, which explains the research design, data collection, and how the data will be analyzed. Chapter four has the data analysis and findings. It has been divided into three parts. The general information, problems and challenges of wayleaves and the wayleaves strategies adopted to cope with the challenges and problems. Finally chapter five presents the conclusion of the study. It has the summary, discussions and conclusions of the study, limitations of the study, recommendations for further research and recommendations for policy and practices.

CHAPTER TWO: LITERATURE REVIEW

Literature review reveals that there is limited published information on modalities of wayleave acquisition in the power industry in Kenya. Unpublished documents from KPLC merely explain what wayleave is, its inhibitions and importance to the Company. Kitarus (2003) explains the reason is because public corporations are a complex phenomenon that is yet to be adequately conceptualized. They have numerous objectives that fluctuate to the whim of public and politicians from time to time and from government to government.

As much as wayleaves is fundamental in HV transmission line erection, KPLC has to appreciate the world is changing rapidly therefore requires new models to accurately depict it. The Organizational culture has to be managed in a wider context of the external environment (Gibson, et. al. 1994). Proper management of rapid changes and shifting economies is a major challenge to managers who need to understand more about ethnicity, religion and family values of stakeholders. According to Ferrell & Fraedrich (1997), a consumer's basic rights include right to safety, information and choice to be heard in matters relating to moral, ethical and social responsibility issues of a firm. Whereas an organization with people having strong ethical values will be a good citizen organization, business ethics participants believe that business is a game governed by its own rules rather than those of society. Thompson and Strickland (2003) raises policy issues on social responsibility practices a business assumes in respect to economic, legal, ethical and voluntary responsibilities. Therefore honesty, proper communication and fairness are important factors in enabling the sharing of a common meaning by all parties.

2.1 Concepts of wayleave

Wikipedia encyclopedia defines wayleave as a form of easement which gives the right of use over the real property of another for a special purpose.This wayleave is expressly granted by a land owner to another for development like laying of water mains, sewers, oil pipeline, telephone cables, roads, power lines or even foot paths. Wayleaves does not give the holder a right of "possession" of the property but only a right of use that is for the benefit of all and not to a specific person. This easement is gained at a consideration and should be a registered encumbrance against the title.

A Wayleave trace is that corridor beneath a power line measured from the centerline. In Kenya, HV transmission lines exceeding 33Kv have 20-meter wide traces. A trace is important for safety reasons. It provides a reasonable distance from power line to habitable area as well as granting access during emergencies and routine maintenance. In Hayes (1983) KPLC had to compensate a landowner for the wayleave trace not expressly granted as well as for the animals that had been electrocuted. Wayleave infringement occurs when clearance of conductors is compromised. This is in form of trespass or encroachment by developments within the trace area and growth of tall vegetation. Other forms of infringement include dumping of waste materials and excavating under the power lines. Repercussions of infringement include danger to personal safety, loss of human and animal life, damage to property and disruption to KPLC operations and maintenance work. Infringement of way leave traces could lead to prosecution.

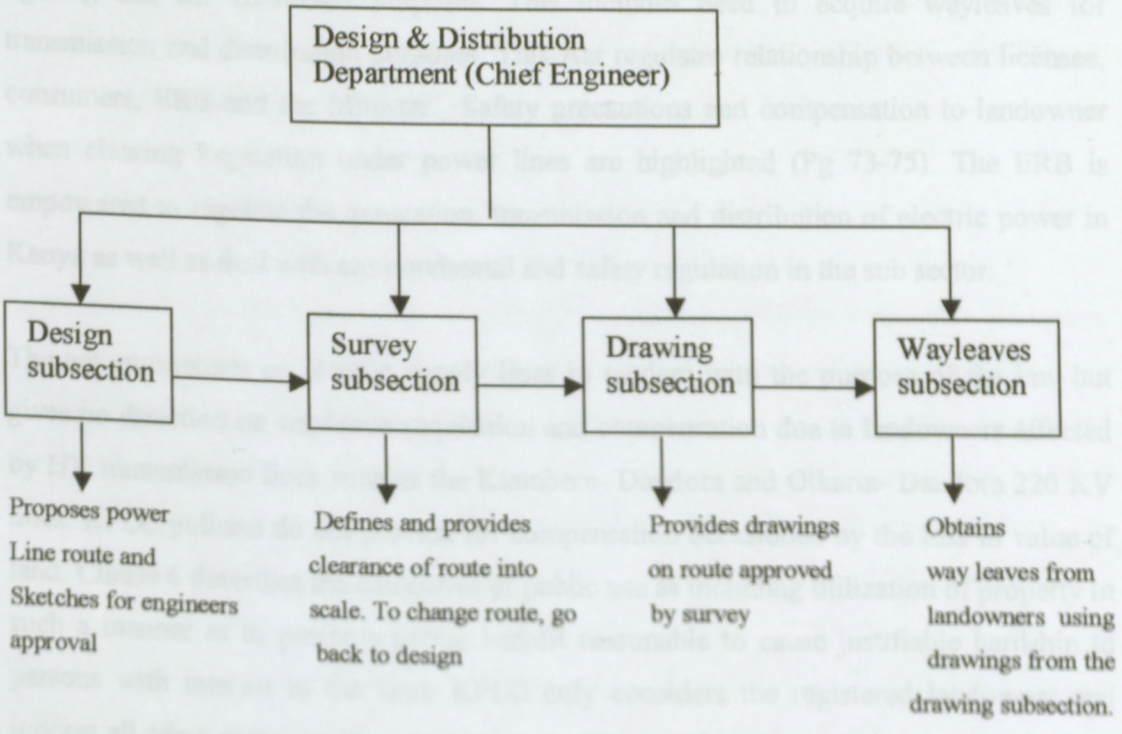

Figure 1: Conceptual framework of wayleave identification and acquisition process

2.2 Kenyan legislation dealing with wayleave acquisition

The Wayleaves Act Cap 292 of the laws of Kenya applies to granting of way leaves on private land by empowering the government to carry any sewer drains or pipeline through any land without interfering with existing buildings. The Act empowers government employees to enter land for surveying, setting out and marking the line for sewer, drain or pipeline. It provides compensation only for damage of crops and trees. The wayleave Act does not aid KPLC in land compensation because at the time of the Acts' commencement in 1912, electricity supply was considered an entrepreneurial enterprise. Though the Act is important in wayleave acquisition, it does not explicitly include power lines in its jurisdiction.

The Electric Power Act Cap 315 as regulated by the Electricity Regulatory Board (ERB) is for purposes of amending and consolidating the law relating to the generation, transmission, transformation, distribution, supply and the use of electrical energy for lighting and for connected purposes. This includes need to acquire wayleaves for transmission and distribution purposes. This Act regulates relationship between licensee, consumers, ERB and the Minister. Safety precautions and compensation to landowner when clearing vegetation under power lines are highlighted (Pg 73-75). The ERB is empowered to regulate the generation, transmission and distribution of electric power in Kenya as well as deal with environmental and safety regulation in the sub sector.

The act enumerates on electric supply lines in tandem with the purpose of the law but gives no direction on wayleave acquisition and compensation due to landowners affected by HV transmission lines such as the Kiambere- Dandora and Olkaria- Dandora 220 KV lines. KPLC policies do not provide for compensation occasioned by the loss in value of land. Clause 6 describes the categories of public use as including utilization of property in such a manner as to promote public benefit reasonable to cause justifiable hardship to persons with interest in the land. KPLC only considers the registered landowner and ignores all other persons with vested interests. The act gives transmission an overall view, however, neither the modalities for wayleave acquisition nor compensation are provided.

Land acquisition is achieved through the Land Acquisition Act Cap 295. This Act provides for the compulsory acquisition of land for the public benefit. These powers are

however limited to where the Minister authorizes acquisition for generation stations, substations or switch stations for usefulness to the public. The undertaking should be completed within three years (pg 112). It provides for full compensation of any damage resulting from entry including resettlement. The Act assists in matters of compulsory land acquisition and other damages concerned with compensation for severance. Limitations of this Act's provision to KPLC are that the Company normally acquires Wayleaves for HV transmission lines over 5 years before construction time. The Kiambere-Dandora line wayleaves were acquired from 1992 while construction started in 1999. Furthermore, HV transmission line traces do not fall under any of the above three categories specified by the ministerial authority, neither does the company consider all persons with vested interests on the land as provided for by the Act.

The Physical Planning Act cap 286 of the Laws of Kenya provides for prior planning of utility services. However, the Act concentrates on specific areas of future development to be undertaken within a specified period usually not over ten years. Land is set aside usually in council, market or trading areas for provision of public service utilities. This Act therefore has limitations in our area of study since HV transmission lines are not limited to developing areas only.

2.3 Wayleave challenges

Acquisition of wayleaves is an integral part in planning for power utility provision. Planning is important in contributing to purpose and objectives of an organization. It is primary in a manager's task because it precedes the execution of all other managerial functions by establishing efficiency in attaining the company's objectives (Weihrich & Koontz, 1993). To enhance effective and efficient goal attainment, planning should be primary, focused, sequential and time related.

Bargaining power of suppliers is a major challenge in wayleave acquisition. Porter's (1980) Five Force Model explains that suppliers comprise all sources of inputs that are needed in order to provide goods or services. Bargaining power of suppliers is strong when a commodity is limited in the market having no substitutes thus making users anxious to secure the product. The relationship to powerful suppliers reduces strategic options for an organization resulting in high production costs. There are no substitutes for

the particular input and switching costs from one supplier to another are high. This makes effective communication skills necessary especially where information conflicts with existing beliefs. There arises need to clarify meaning opposed to existing conceptions and semantic problems. Time pressures tend to short circuit formal channels, which should normally be followed. The resolution lies in both parties having good will to encourage mutual trust Gibson et. al. (1994).

Wayleave acquisition needs clear company policies to ensure decisions are consistent and contribute towards objectives by saving on time and unifying all departmental plans. They allow delegation of authority, discretion and eliminate continual referrals to top-management. Policies set direction by enabling senior management delegate and execute their responsibilities. Formalizing procedures provides methods of handling future activity in a chronological order guided by detailed sequenced activities to cut across departments. Failure to formalize company policies and procedures leads to excessive referral of small problems to upper echelons where the overburdened executives continually firefight problems while lower level managers remain under developed (Weihrich & Koontz, 1993).

Wayleave acquisition should be seen in the context of KPLC organizational culture, which is the collective programming of the mind. Due to structured policies and rules, centralized companies have problems in uprooting unethical practices than decentralized organizations. Employees tend to value and use as guidelines those activities with direct rewards (Ferrell & Fraedrich, 2005). While motivating staff is important for effective job expedition, Graham and Bennet (1998) argue that employees compare monetary outcomes with an executed task. Apart from clarifying the company's expectations from working practices, management needs to connect efforts with rewards. Rue and Byers (1992) argue that development of conceptual skills enables understanding relations between parts of different management facets and the environment. Both technical and interpersonal skills are important in attaining the business objectives. Problems arise when policies on how to execute a given task are not given. These problems should be re-defined on present experiences based on familiar and manageable terms (Bryant, 1989).

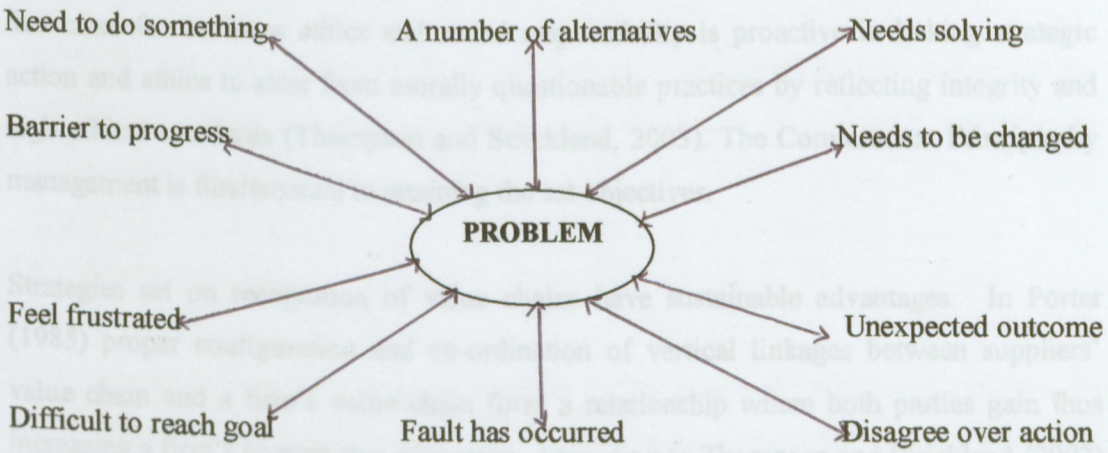

Figure 2; Some Connotations Of The Label 'Problem'

Source: Bryant J.W. Problem Management 'A guide for producers and players' (1989 pg 59)

2.4 Wayleave strategies

Strategic management relates to a company's initiative and business approaches. It enables formulation and implementation of plans designed to achieve a company's objectives. Long-Range planning is actually the future impact of today's decisions; a realization of the vision (Weihrich & Koontz, 1993). Formality is the degree to which participants, responsibilities, authority and discretion in decision-making are specified. Greater formality is positively correlated to cost, comprehensiveness, accuracy and success of planning (Pierce & Robinson, 2002). Lack of formality in management makes employees unsure of management's commitment and the direction of activities.

It is important for strategies to consider principles of justice, fairness, ethics and social responsibility against the core business goals. There can be no effective formal strategic

planning if the CEO does not give firm support and make sure that others in the organization understand the depth of commitment. Middle and low level management is involved in implementing the chosen corporate and business strategies through formulating and executing the functional strategies (Rue & Byars, 1992) A management that cares for business ethics and social responsibility is proactive in linking strategic action and ethics to steer from morally questionable practices by reflecting integrity and high ethical standards (Thompson and Strickland, 2003). The Commitment Principle by management is fundamental in attaining the set objectives.

Strategies set on recognition of value chains have sustainable advantages. In Porter (1985) proper configuration and co-ordination of vertical linkages between suppliers' value chain and a firm's value chain form a relationship where both parties gain thus increasing a firm's competitive advantage. According to Thompson and Strickland (2003) environmental scanning spots budding events sweeping the social, political, ecological, legal, economic and technological arenas to later become future driving forces. It involves future time frames therefore raises consciousness of managers on potential developments that could have an impact on industry conditions by posing new opportunities or threats.

CHAPTER THREE: METHODOLOGY

3.1 Research design

This is a case study of KPLC. The company was preferred because it is one of the public utility providers in Kenya currently active in acquiring wayleave as compared with others.

3.2 Data collection

The study is in form of an explanatory survey aimed at determining the extent to which policies are strategized and formalized procedures put in place within the company. The study has been based on primary data. The respondents are the managers and field officers in the Design and Distribution department – Design section. This section comprises of subsections in design, survey, drawing office and way leaves. The survey will be extended to the Company Secretary's department - property and legal sections that are called upon from time to time to solve cases arising out of wayleave and development compensation. A complete list of all employees in the department has been obtained from the company's human resources database.

Secondary data has been used to generate some of the problems that primary data may not have clearly brought out as well as confirm that information captured by primary data is complete.

KPLC employees on permanent and pensionable terms are 6,650. Employees concerned with HV transmission line erection are based at the Central Office in Nairobi. The total number of relevant employees who have been approached to respond to the questionnaire is 58. They are categorized as follows: -

Drawing office - 15 employees.
Wayleave office - 9 employees.
Survey office - 15 employees.

Design office - 10 employees.

Legal office - 6 employees.

Property office - 3 employees

Data has been collected through a semi-structured questionnaire (See appendix 2).

The questionnaire have been self administered by the respondents using the drop and pick latter method.

3.3 Data analysis

This being a descriptive study, descriptive statistics have been used to analyze the data. Frequency tables and mean scores have been used.

The questionnaire has used a 5-point likert scale in measuring the extent of challenges and problems encountered by the company as well as the extent to which strategies are in place to cope with these variables. Nganga (2004) and Njoroge (2003) have used the likert scale successfully in related studies.

CHAPTER FOUR: DATA ANALYSIS AND FINDINGS

This chapter deals with data analysis and discusses on the research findings. The Chapter is divided into three major parts. Part 1 presents general information, part 2 presents data on problems and challenges of wayleaves and part 3 presents data on wayleaves strategies to counteract the problems and challenges.

4.1 General Information

This section looks at the response rate and demographic profiles of the respondents. Out of 58 respondents selected to participate in the study, 35 completed and returned the questionnaire as distributed in Table 1 below.

Table 1: Respondents by section of work

Section of work	No. of respondents	Percentage (%)
Drawing Office	5	14.28
Wayleave Office	7	20
Survey Office	7	20
Design Office	8	22.85
Legal Office	3	8.57
Property Office	3	8.57
Did not specify	2	5.71
Total	35	100

Source: Research Data

The table indicates a response rate of 60% with all sections concerned with wayleave being adequately represented.

Table 2: Respondents by educational levels

Educational Level	No. of respondents	Percentage (%)
Secondary	14	40
University/College	19	54.2
Did not specify	2	5.71
Total	35	100

Source: Research Data

Table 2 above indicates that the respondents have an acceptable level of educational background with 54 % having attained post secondary school education while 6% of the respondents did not specify their level of education.

Table 3: Respondents by length of service

Length of service	No. of respondents	Percentage (%)
1-4 years	2	5.71
5-10 years	9	25.7
Above 10 years	22	62.85
Did not specify	2	5.71
Total	35	100

Source: Research Data

The data shows that 88.55% of the staff had over five years length of service with the company. Those with experience below four years and the questionnaires not specified are each represented by 5.71% respectively.

4.2 Challenges and Problems of Wayleaves

Data regarding problems encountered by KPLC staffs when acquiring wayleave was collected using a 5-point likert scale where 1 = not at all and 5 = extremely frequent. Scores used were based on the same range. The data was analysed using mean scores. The higher the mean score, the greater was the wayleave problem. The results are presented in Table 4 below.

Table 4: Wayleave problems and challenges

Challenges and Problems	Mean Score	Standard Deviation
1. Do landowners complain that HV transmission lines affect value of their land?	3.3	0.89
2. Do you receive complaints from landowners that HV transmission lines are not good to their health?	2.3	0.82
3. Does the company get resistance for survey of HV transmission lines on land by the landowners?	3.3	1.17
4. Do landowners readily accept KPLC's compensation rates for:		
(a) Crops	2.6	0.91
(b) Land	1.9	0.76
© Developments	2.5	1.01
5. How often does the company face problems of power pole destruction?	2.3	0.62
6. Does the company get interference under the wayleaves trace due to:		
(a) Crops	3.3	0.99
(b) Land	2.9	1.05
©Developments	2.9	0.95

Table 4: Continued

Problems and challenges	Mean Score	Standard Deviation
7. Do landowners complain of not having been informed on nature of lines to be erected on their land parcels?	3.2	1.02
8. Do landowners willingly grant wayleave for HV transmission lines?	2.4	0.91
9. Do landowners complain on amount of consideration provided in the wayleave agreement for the compensation of:		
(a) Crops	3.0	0.89
(b) Land	3.4	0.92
(c) Developments	3.0	0.86
10. Do uncooperative landowners explain their reasons for resisting wayleave?	3.2	1.07
11. Does KPLC allow for re-routing of HV transmission lines from originally proposed routes after implementation of the project has commenced?	1.8	0.88
12. Do landowners have choices on portion of land to be traversed by the HV transmission line?	1.4	1.49
13. After the project construction has commenced does KPLC forcefully erect HV transmission lines where landowners are resisting wayleave?	1.7	1.12
14. To what extent is wayleave compensation planned for in initial project budgets for:		
(a) Crops	3.7	1.10
(b) Land	2.5	1.44
(c) Developments	3.0	1.20
15. Do KPLC staff collude with land owners regarding compensation for:		
(a) Crops	1.5	0.74
(b) Land	1.5	0.70
(c) Developments	1.5	0.66
Total	2.564	0.693

Source: Research data

The grand mean score is 2.56. Therefore the greatest wayleaves challenges and problems are those above a mean score of 3.0. According to Table 4 above, the KPLC staff involved in wayleaves for HV transmission line construction perceive that the greatest challenges were those related to effects on land value with a mean score of 3.3, resistance to survey of the HV transmission lines on land (3.3), interference under the wayleave trace due to crops with (3.3), complaints by landowners of lack of information on nature of power lines being erected on their land (3.20), complaints on amount of consideration provided in the wayleave agreement for crops (3.0), land (3.4) and developments (3.0) and the extent to which wayleave compensation is planned for in the initial project budget for crops having a mean score of 3.7 and developments with a mean score of 3.0.

Those perceived as having the least challenge are those with a mean score of below 2.0. They include problems related to land owners readily accepting KPLC compensation rates for land (1.9), KPLC allowing for re-routing of HV transmission lines from originally proposed routes after implementation of the project has commenced (1.8), whether landowners have choices on portion of land to be traversed by the HV transmission line (1.4), whether KPLC forcefully erects HV transmission lines after the project construction has commenced where landowners are resisting wayleave (1.7) and whether KPLC staff collude with land owners regarding compensation for crops, land and developments each item having a mean score of 1.5.

4.3 Wayleave strategies adopted to cope with the challenges and problems.

This part presents findings on the extent to which KPLC uses various compensation strategies for crops, land and development to counter the wayleave challenges and problems. Data regarding the adopted strategies was collected using a 5 point rating scale where 1 = not at all and 5 = very great extent. Scores used were based on the same range. The data was analysed using mean scores. The higher the mean score, the greater KPLC has the strategy in practice.

Table 5: Frequently used strategies

Strategies to cope with wayleave challenges	Mean Score	Standard Deviation
1. KPLC compensates landowners for traversing of HV transmission lines for:		
(a) Crops	3.7	1.10
(b) Land	2.8	1.18
(c) Developments	2.6	1.00
2. There is a standard policy by which all landowners are assured of compensation for:		
(a) Crops	3.7	1.37
(b) Land	3.2	1.22
(c) Developments	3.2	1.21
3. The company has equal regional compensation rates (%) for:		
(a) Crops	2.9	1.77
(b) Land	2.8	1.49
(c) Developments	3.0	1.45
4. When signing the wayleave agreement with a landowner, the company fully discloses type of power line (HV, LV).	3.4	1.56

Table 5: Continued

Strategies to cope with wayleave challenges	Mean Score	Standard Deviation
5. State the extent to which the company carries out educational campaigns with the public on advantages and inhibitions of HV transmission lines through the following channels:		
(a) Public barazas	2.4	1.65
(b) Pamphlets	2.2	1.12
(c) Newspapers	2.3	1.10
(d) Others	0.6	1.07
6. To discourage encroachment under the wayleave trace by landowners, the company has penalties for:		
(a) Crops	2.3	1.40
(b) Land	2.1	1.30
(c) Developments	2.2	1.31
7. To what extent are the following penalties enforced:		
(a) Fine	2.5	1.38
(b) Imprisonment	2.4	1.40
(c) Removal of encroaching activity at landowner's own cost	2.7	1.35
8. To what extent does KPLC use the following strategies in acquiring transmission lines wayleaves?		
a) Participation by landowners indicating areas they prefer the line to traverse over their land.	2.4	1.33
(b) Forceful construction/Coercion	2.1	0.94
(c) Quick dispute solution time	2.8	1.05
(d) Consistent policies and procedures.	2.8	1.05
9. To what extent does KPLC use the following strategies in compensating for HV transmission lines wayleaves?		1.48
(i) Participation in negotiation by landowners for:		
(a) Crops	2.9	1.40
(b) Land	2.6	1.26
(c) Developments	2.7	1.23
(ii) Clear company policies when compensating for:		
(a) Crops	3.7	1.02
(b) Land	3.0	1.20
(c) Developments	3.4	0.97
(iii) Initial project budgeting for:		
(a) Crops	3.8	1.01
(b) Land	3.0	1.22
(c) Developments	3.3	1.03
(v) Empowerment of junior officers to solve problems encountered in the field for:		
(a) Crops	2.9	1.48
(b) Land	2.1	1.51
(c) Developments	2.1	1.57
(iv) Use of forms of compensation other than monetary (replacement, resettlement, others) for:		
(a) Crops	1.8	1.10
(b) Land	1.9	1.09
(c) Developments	1.8	1.09
Total	2.632	0.775

Source: Research Data

The grand mean score is 2.63. A mean score above 3.0 indicates areas where appropriate strategies have been adopted to cope with the wayleaves challenges and problems. From Table 5 above, the KPLC staff involved in wayleaves for HV transmission line construction established that successfully adopted strategies to cope with the wayleaves challenges and problems were those related to compensation to landowners for traversing of HV transmission lines for crops with a mean score of 3.7, the standard policy by which all landowners are assured of compensation for crops, land and developments all with mean scores above 3.0, equal regional compensation rates (%) for developments (3.0), the company fully discloses type of power line (HV, LV) when signing the wayleave agreement with a landowner (3.4), clear company policies when compensating for crops (3.7), land (3.0) and developments (3.4) and initial project budgeting for crops (3.8), land (3.0) and developments (3.3).

Adopted strategies perceived to be weak are those with meanscores below 2.1. These strategies include those on empowerment of junior officers to solve problems in the field for land and developments each with a mean score of 2.1, forceful construction/coercion (2.1), and the use of forms of compensation other than monetary (replacement, resettlement, others) for crops and developments each with a mean score of 1.8 and land with a mean score of 1.9. Other strategies perceived to be moderately effective are compensation to landowners for traversing of HV transmission lines for land and developments with mean scores of 2.8 and 2.6 respectively, the extent to which the company carries out educational campaigns with the public on advantages and inhibitions of HV transmission lines through public barazas (2.4), pamphlets (2.2) and newspapers (2.3). In enforcement of penalties for encroaching under wayleaves, the fine had a mean score of 2.5, imprisonment mean score of 2.4 and removal of encroachment at landowner's own cost a mean score of 2.7, strategies in acquiring transmission lines wayleaves include participation by landowners indicating areas they prefer the line to traverse over their land (2.4), quick dispute solution time and consistent policies and procedures each with a mean score of 2.8.

CHAPTER FIVE: CONCLUSION

This is the last chapter of the study. It addresses the objectives set out in chapter one by summarizing, discussing and drawing a conclusion on the results. The chapter also highlights limitations of the study, makes recommendations for further study and recommendations for policy and practices.

5.1 Summary, discussions and conclusions

In this section a summary of the results of the various objectives are given, discussed and conclusions drawn. This is done in the order of objectives. The first objective of the study sought to determine the wayleave challenges and problems encountered by KPLC. The results showed that when obtaining wayleaves, the company faces several challenges whereby the major ones were complaints by landowners that transmission lines affect value of their land, lack of information on nature of power line under construction, resistance for survey of transmission lines by the landowners and encroachment within the wayleave trace. Complaints on amount of compensation in the wayleave agreement are due to lack of proper compensation planning in project budgets. However, the company has less challenges like not allowing for re-routing of the HV transmission lines from originally proposed routes once the project has commenced, the landowners having choice of portion of land to be traversed by the power line and complaints of staff colluding with landowners regarding compensation.

Since wayleaves precedes construction of any power line, formulation of proper long range plans for its acquisition is fundamental. Integration of adequate wayleave compensation plans with other HV transmission line construction activities in terms of budgets and project timeframes should be done. Forecasting and establishment of problem pockets and focus on long-term solutions to counter wayleave acquisition challenges needs relevant strategic problem-solution orientation to enable achievement of overall departmental goals.

The second objective of the study sought to establish the extent to which KPLC has adopted certain strategies to cope with the wayleave challenges and problems. Successfully implemented strategies include setting up of standard policies and practices related to compensation, and setting up of clear compensation policies as well as budgeting for wayleave expenses. However, the company needs to reinforce weak strategies like enhancement of compensation rates, need to come up with other forms of compensation such as replacement, resettlements or other forms acceptable to the landowners and embracing of participation by landowners in negotiations to avoid forceful construction. Also, appropriate strategies for acquiring wayleaves by carrying out public educational campaigns on advantages and inhibitions of HV transmission lines will discourage encroachment beneath the traces and interference with power poles. This should be done by enforcing penalties to trespassers and empowerment of operational staff in decision making.

Appropriate strategies within well-conceived policies and procedures aid employees in effectively executing their roles. Management's concerns of ensuring empowered subordinates do not expose organization to excessive risk of lawsuits can be done through diagnostic controls through clear policy setting enhancing information flow practices and encouraging team work for effectiveness in standardization and consistency (Thompson and Strickland 2003).

5.2 Limitations of the study

The results of this study should be interpreted in the context of a number of limitations. The target sample size was 58 and only 35 responded. This is a response rate of 60%. It is possible that if all had responded, the findings might be different. It is observed that the target sample that did not respond comprise 40% which is relatively significant.

The research was confined to KPLC only. It is possibly that if extended to the landowners and the responses captured from both sides then the results would have given a more complete picture of the wayleave challenges and problems and the appropriate strategies to be enhanced.

5.3 Recommendations for further research

The aim of this research was to determine the wayleave challenges and problems encountered by KPLC and to establish the extent to which KPLC has adopted certain strategies to cope with the wayleave challenges and problems. Since the research was confined to HV transmission line wayleave acquisition, it is important to look into the wayleave challenges and problems facing other power lines like LV distribution power lines and underground power cables.

The study was confined to KPLC therefore there is need for further research on landowners affected by wayleaves in relation to what they perceive as wayleave problems and solutions.

The research was based on HV transmission line wayleave problems and strategies – A case study of Kenya Power and Lighting Company. Further research could be extended to wayleave challenges encountered by other public utility providers such as Kenya Railways, Telkom Kenya and Kenya Pipeline.

5.4 Recommendations for policy and practices

This study found that the company gets serious problems regarding landowners complaining of not having been informed on nature of lines to be erected on their land parcels and problem of interference beneath the power lines due to crops, land and developments. It is important to formulate policy on effective channels of communication and disseminating information through educational campaigns with the public on advantages and inhibitions of HV transmission lines. The company should also follow by enforcing penalties for any interference or encroachment within the wayleave trace.

KPLC is faced with serious challenges of landowners complaining HV transmission lines affect value of their land and resistance in allowing for survey of the lines. This necessitates need for policies on wayleave compensation especially since this compensation is not planned for in initial project budgets. The company should emulate practices engaging landowners in participating in compensation negotiations and setting up of regional compensation rates as well as embracing other forms of compensation other than monetary such as replacement or resettlement.

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APPENDICES

APPENDIX 1: INTRODUCTION LETTER

SALOME L. MUNUBI
C/O UNIVERSITY OF NAIROBI
P.O.BOX 30197
NAIROBI

15TH MARCH 2006

Dear respondent,

REF: REQUEST FOR RESEARCH DATA ON WAYLEAVE ACQUISITION AND COMPENSATION BY KPLC

I am a postgraduate student in the faculty of Commerce, University of Nairobi. I am undertaking a research on "High Voltage transmission lines wayleave problems and strategies: A case study of the Kenya Power And Lighting Company Limited".

This is in fulfillment of a Masters degree in Business Administration (MBA).

In order to undertake the research, you have been selected to form part of the study. I therefore request your kind assistance in filling the attached questionnaire as truthfully as you can to the best of your knowledge. The information you give will be treated in the strictest confidence and is needed purely for academic purposes. Even where a name has been provided, it will not under any circumstances appear in the final report.

A copy of the final report will be made available to you upon request.

Your assistance and co-operation will be highly appreciated.

Yours sincerely,

Salome L. Munubi
(Student)

Dr. Martin Ogutu
Lecturer, Department of
Business administration
(Supervisor)

APPENDIX 2: QUESTIONAIRE

Please respond to the following questions in Parts One, Two and Three to the best of your ability and as per instructions in each part.

PART ONE: GENERAL INFORMATION

1. Section: _____
2. Job Title: _____
3. Educational level: _____
4. Type of Professional Training: _____
5. Years of service with KPLC to date: _____
6. Indicate your job level _____

   (Top Management)

   (Middle Management)

   (Union level)

PART TWO: WAYLEAVE CHALLENGES AND PROBLEMS

For each question, indicate the extent to which this a challenge/problem to KPLC. Use a scale ranging from 1 to 5 where:

1 = not at all.

2 = occasionally

3 = frequent.

4 = very frequent.

5 = extremely frequent.

Please answer the following questions by ticking ( ) in the box with the appropriate scale.

		Not at all 1	Occasionally 2	Frequent 3	Very frequent 4	Extremely frequent 5
1	Do landowners complain that HV transmission lines affect value of their land?					
2	Do you receive complaints from landowners that HV transmission lines are not good to their health?					

		Not at all 1	Occasionally 2	Frequent 3	Very frequent 4	Extremely frequent 5
3	Does the company get resistance for survey of HV transmission lines on land by the landowners?					
4	Do landowners readily accept KPLC's compensation rates for: a) Crops b) Land c) Developments					
5	How often does the company face problems of power pole destruction?					
6	Does the company get interference under the wayleaves trace due to: a) Crops b) Land c) Developments					
7	Do landowners complain of not having been informed on nature of lines to be erected on their land parcels?					
8	Do landowners willingly grant wayleave for HV transmission lines?					
9	Do landowners complain on amount of consideration provided in the wayleave agreement for the compensation of: a) Crops b) Land c) Developments					

		Not at all 1	Occasionally 2	Frequent 3	Very frequent 4	Extremely frequent 5
10	Do uncooperative landowners explain their reasons for resisting wayleave?					
11	Are junior officers allowed to negotiate for compensation of: a) Crops b) Land c) Developments					
12	Does KPLC allow for re-routing of HV transmission lines from originally proposed routes after implementation of the project has commenced?					
13	Do landowners have choices on portion of land to be traversed by the HV transmission line?					
14	After the project construction has commenced does KPLC forcefully erect HV transmission lines where landowners are resisting wayleave?					
15	To what extent is wayleave compensation planned for in initial project budgets? a) Crops b) Land c) Developments					
16	Do KPLC staff collude with land owners regarding compensation for: a) Crops b) Land c) Developments					

PART THREE: WAYLEAVE STRATEGIES

In each of the following indicate the extent to which the strategy is adopted by KPLC in coping with the wayleave challenges and problems. Use a scale ranging from 1 to 5 where:

1 = not at all.
2 = a little extent
3 = moderate extent
4 = great extent
5 = very great extent

Please answer the questions by ticking ( ) in the box with the appropriate scale.

		Not at all 1	A little extent 2	Moderate extent 3	Great extent 4	Very great extent 5
1	KPLC compensates landowners for traversing of HV transmission lines for: a) Crops b) Land c) Developments					
2	There is a standard policy by which all landowners are assured of compensation for: a) Crops b) Land c) Developments					
3	The company has equal regional compensation rates (%) for: a) Crops b) Land c) Developments					
4	When signing the wayleave agreement with a landowner, the company fully discloses type of power line (HV, LV).					

		Not at all 1	A little extent 2	Moderate extent 3	Great extent 4	Very great extent 5
5	State the extent to which the company carries out educational campaigns with the public on advantages and inhibitions of HV transmission lines through the following channels: a) Public barazas b) Pamphlets c) Newspapers d) Others					
6	To discourage encroachment under the wayleave trace by landowners, the company has penalties for: a) Crops b) Land c) Developments					
7	To what extent are the following penalties enforced: a) Fine b) Imprisonment c) Removal of encroaching activity at landowner's own cost:					
8	To what extent does KPLC use the following strategies in acquiring transmission lines wayleaves?					
i	Participation by landowners indicating areas they prefer the line to traverse over their land.					
ii	Forceful construction/Coercion					
iii	Quick dispute solution time					
iv	Consistent policies and procedures.					
v	Others.					
9	To what extent does KPLC use the following strategies in compensating for HV transmission lines wayleaves?					

		Not at all 1	A little extent 2	Moderate extent 3	Great extent 4	Very great extent 5
i	Participation in negotiation by landowners for: a) Crops b) Land c) Developments					
iii	Clear company policies when compensation for: a) Crops b) Land c) Developments					
iv	Initial project budgeting for: a) Crops b) Land c) Developments					
v	Empowerment of junior officers to solve problems encountered in the field for: a) Crops b) Land c)Developments					
vi	Use of forms of compensation other than monetary (replacement, resettlement, others) for: a) Crops b) Land c) Developments					

THANK YOU VERY MUCH FOR YOUR PARTICIPATION AND ASSISTANCE.